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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 United States of America,) No.: 13-2217M
9 Plaintiff,)
10 vs.)
11 Miguel Ramirez-Hernandez,)
12 Defendants.)
13 _____)
14 _____)

ORDER

15 This matter arises on Defendant Miguel Ramirez-Hernandez's Motion to Extend Time
16 to Indict. (Doc. 5)

17 It is, and has been, the District Court of Arizona's policy since 2000 to deny motions
18 to extend time to indict and grant them only in illegal re-entry felony cases. Because
19 Defendant is not charged with Reentry of Removed Alien (despite the motion's incorrect
20 assertion otherwise), even though he may not be a United States citizen and is in the United
21 States unlawfully, the subject motion will be denied. Defendant is not, however, without a
22 remedy to preserve any "fast-track" plea agreement if he was to timely waive his 5th
23 Amendment right to indictment and proceed by information. *United States v.*
24 *Arellano-Rivera*, 244 F.3d 1119 (9th Cir. 2001).

25 Based on the foregoing,

26 **IT IS ORDERED** that Defendant's Motion to Extend Time to Indict, doc. 5,
27 is **DENIED**. See *United States v. Ramirez-Cortez*, 213 F.3d 1149 (9th Cir. 2000) (defendant
28 cannot waive the protections of the Speedy Trial Act indictment clock by stipulating to a
continuance).

1 At this time, the last day to seek a timely indictment in this case is November 18,
2 2013.

DATED this 23rd day of October, 2013.

JOHN A. BUTTRICK
United States Magistrate Judge